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 5 Attorneys for Defendants

6  
 7  
 8 IN THE DISTRICT COURT OF THE STATE OF WYOMING  
 IN AND FOR THE THIRD JUDICIAL DISTRICT, LINCOLN COUNTY

|    |  |   |                                   |
|----|--|---|-----------------------------------|
| 9  | TRAVIS COLLINS; KATHRYN                  | ) | Civil No.: CV-2019-135-DC         |
| 10 | GONZALES, individuals,                   | ) |                                   |
| 11 | Plaintiffs,                              | ) | Hon. Joseph B. Bluemel            |
| 12 | vs.                                      | ) | <b>DECLARATION OF CHARLES AMY</b> |
| 13 | WESLEY REICHERT; SPEEDY BUTTE,           | ) |                                   |
| 14 | LLC, an Idaho Limited Liability Company; | ) |                                   |
| 15 | DOE BROKER,                              | ) |                                   |
| 16 | Defendants.                              | ) |                                   |

17 STATE OF IDAHO )  
 : ss.  
 18 County of Lincoln )

19 Pursuant to 28 U.S.C. § 1746, I, Charles Amy, hereby declare as follows:

- 20 1. I am an owner and operator of Speedy Butte, LLC (herein "Speedy Butte").
- 21 Speedy Butte is a DOT registered motor carrier which engages in trucking and freight shipping.
- 22 2. I am making this Declaration for purposes of a lawsuit which has been filed in
- 23 Lincoln County, Wyoming, against Speedy Butte and one of its drivers, Wesley Reichert.
- 24 3. On July 21, 2016, when the accident from which the lawsuit arose happened,
- 25 Wesley Reichert, two other drivers, and I were each driving one of four Speedy Butte trucks.
- 26 The trucks had been used to haul hay from Idaho to the Bureau of Land Management ("BLM")

Civil No. CV-2019-135-DC

**EXHIBIT A**

1 facility in Rock Springs, Wyoming. The BLM had purchased the hay from Speedy Butte. The  
2 hay had been unloaded in Sweetwater County, Wyoming, and the four trucks were returning,  
3 empty, to Idaho when the accident happened in Lincoln County, Wyoming.

4 4. No broker was involved in the sale of the hay or the hauling of the hay to Rock  
5 Springs. Speedy Butte negotiated the sale of the hay and made its own arrangements to deliver  
6 the hay, using its own trucks, to Rock Springs, Wyoming, which is where the BLM wanted it  
7 delivered.

8 5. Speedy Butte, LLC is an Idaho limited liability company, registered with the  
9 Secretary of State of Idaho. Its sole and principal place of business is at 952E 1020N in  
10 Richfield, Idaho 83349.

11 6. There are three members of Speedy Butte, LLC. I am one. The other two  
12 members are my father, Delwin Amy, and my mother, Tena Amy. I reside at 765N 2<sup>nd</sup> St. in  
13 Richfield, Idaho. My parents live at 952E 1020N, Richfield, Idaho.

14 7. I am a citizen of Idaho, and have been all my life. My parents are citizens of  
15 Idaho.

16 8. I own my home in Richfield, Idaho. I pay Idaho property taxes on that home.

17 9. My parents own their home in Richfield, Idaho, and pay Idaho property taxes on  
18 that home.

19 10. All of my personal property, including automobiles and household goods and  
20 furnishings, is located in Idaho. All of my parents' personal property is likewise located in  
21 Idaho.

22 11. I have an Idaho driver's license. Both of my parents have Idaho drivers' licenses.

23 12. Speedy Butte, LLC, I, and my parents all register and license our vehicles in  
24 Idaho.

25 13. Speedy Butte, LLC's bank accounts, my bank accounts, and my parents' bank  
26 accounts are in Idaho banks.

14. My parents and I work for Speedy Butte, LLC, which is an Idaho company whose physical location is in Idaho.


15. I have paid Idaho income taxes my entire working life (since 2011). My parents have paid Idaho income taxes all of their married life (40 years).

16. When I attend church, I do so in Idaho. When my parents attend church, they do so in Idaho.

17. I and my parents intend to remain in Idaho indefinitely and have no plans to move to any other State.

I declare under penalty or perjury, that the foregoing is true and correct.

DATED this 30<sup>th</sup> day of September, 2019.

  
Charles Amy

I declare under penalty or perjury, that the foregoing is true and correct.

DATED this 30<sup>th</sup> day of September, 2019.

  
Charles Amy

1 Randall G. Nelson  
 Thomas C. Bancroft  
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 Attorneys for Defendants

8 IN THE DISTRICT COURT OF THE STATE OF WYOMING  
 IN AND FOR THE THIRD JUDICIAL DISTRICT, LINCOLN COUNTY

9 TRAVIS COLLINS; KATHRYN  
 10 GONZALES, individuals,

11 Plaintiffs,

12 vs.

13 WESLEY REICHERT; SPEEDY BUTTE,  
 LLC, an Idaho Limited Liability Company;  
 14 DOE BROKER,

15 Defendants.

Civil No.: CV-2019-135-DC

Hon. Joseph B. Bluemel

12 **DECLARATION OF WESLEY**  
 13 **REICHERT**

17 STATE OF IDAHO )  
 : ss.  
 18 County of Lincoln )


19 Pursuant to 28 U.S.C. § 1746, I, Wesley Reichert, hereby declare as follows:

- 20 1. I am a citizen of Idaho, and have been all my life.
- 21 2. I reside at 582 Marley Road in Richfield, Idaho, where I own a home. I pay Idaho
- 22 property taxes on that home.
- 23 3. All of my personal property, including automobiles and household goods and
- 24 furnishings, is located in Idaho.
- 25 4. I have an Idaho driver's license.
- 26 5. I register and license my vehicles in Idaho.

Civil No. CV-2019-135-DC

**EXHIBIT B**

DATED this 21 day of September, 2019.

  
Wesley Reichert



IN THE DISTRICT COURT OF THE STATE OF WYOMING  
IN AND FOR THE THIRD JUDICIAL DISTRICT, LINCOLN COUNTY

TRAVIS COLLINS; KATHRYN  
GONZALES, individuals,

Plaintiffs,

v.

WESLEY REICHERT; SPEEDY BUTTE,  
LLC, an Idaho Limited Liability Company;  
DOE BROKER,

Defendants.

Civil No.: *Cv-2019-135-DC*

Judge: *Hon. Joseph B. Bluemel*

FILED

BY

*Jimmy Clarke*

SEP 11 2019

COMPLAINT

KENNETH D. ROBERTS  
CLERK OF DISTRICT COURT  
3RD JUDICIAL DISTRICT  
LINCOLN COUNTY, STATE OF WYOMING

Plaintiffs, by and through undersigned counsel, hereby complain and allege of the Defendants

as follows:

PARTIES AND JURISDICTION

1. Plaintiff Travis Collins is an individual residing in the State of Wyoming.
2. Plaintiff Kathryn Gonzales, spouse of Travis Collins, is an individual residing in the State of Wyoming.
3. Defendant Wesley Reichert is an individual residing in the State of Wyoming.
4. Defendant Speedy Butte, LLC is an Idaho limited liability company.
5. Defendant Doe Broker is a freight broker whose principal place of business will be alleged upon discovery.
6. The events that form the basis of Plaintiffs' claims occurred within Lincoln County, Wyoming on or about July 21, 2016.

EXHIBIT C

7. The amount in controversy exceeds the sum of \$7,000.

#### **GENERAL ALLEGATIONS**

8. On July 21, 2016, Plaintiff Travis Collins was westbound on US-30 at approximately milepost 85 in Lincoln County.

9. Mr. Collins was stopped with his left blinker on and waiting for oncoming traffic to pass before making a left hand turn onto Calhoun Road.

10. Defendant Reichert, while driving a semi-truck in the course and scope of his employment with Defendant Speedy Butte, LLC, ran into the back of Plaintiff Travis Collin's pickup truck at freeway speeds.

11. Upon information and belief, Doe Broker maintained control over the load and the means and methods of delivery.

12. Upon information and belief, Doe Broker was negligent in its hiring, selection, vetting, and supervision of Speedy Butte, LLC as Doe Broker hired Speedy Butte despite free and publicly available information demonstrating that it was an unfit, negligent, and unsafe motor carrier.

#### **FIRST CAUSE OF ACTION (Negligence – Wesley Reichert)**

13. Plaintiffs incorporate the preceding allegations as if fully set forth herein.

14. Defendant Reichert was negligent in the operation of his semi-truck.

15. As a direct and proximate result of Mr. Reichert's conduct, Plaintiffs suffered significant personal injuries, emotional distress, and the loss of normal spousal consortium.

16. Plaintiffs also incurred medical expenses resulting from Mr. Collins' injuries and will incur medical expenses in the future.

17. Plaintiff Travis Collins has suffered severe pain, loss of enjoyment of life, disability, lost income and earning capacity.

18. Plaintiff Kathryn Gonzales has suffered the loss of normal spousal consortium.

**SECOND CAUSE OF ACTION**  
**(Respondeat Superior – Speedy Butte, LLC)**

19. Plaintiffs incorporate the preceding allegations as if fully set forth herein.

20. Defendant Reichert was within the course and scope of his employment at the time he negligently operated his semi-truck and caused Plaintiffs' injuries.

21. As a direct and proximate result of Mr. Reichert's conduct, Plaintiffs suffered significant personal injuries, medical expenses, severe pain, emotional distress, the loss of normal spousal consortium, and other injuries.

22. Defendant Speedy Butte, LLC is vicariously liable under the doctrine of respondeat superior for the negligence of Defendant Reichert.

**THIRD CAUSE OF ACTION**  
**(Negligent Hiring, Training, and Supervision – Speedy Butte, LLC)**

23. Plaintiffs incorporate the preceding allegations as if fully set forth herein.

24. Upon information and belief, Defendant Reichert was an unsafe and/or unqualified driver.

25. Upon information and belief, Defendant Speedy Butte, LLC knew or should have known that Defendant Reichert was an unsafe and/or unqualified driver.

26. Upon information and belief, Defendant Speedy Butte, LLC was negligent in the manner in which it hired, trained, and/or supervised Defendant Reichert.



27. Upon information and belief, Defendant Speedy Butte, LLC's negligence in hiring, training, and/or supervising Defendant Reichert was a proximate cause of Plaintiffs' injuries.

28. As a direct and proximate result of Speedy Butte, LLC's conduct, Plaintiffs suffered significant personal injuries, medical expenses, severe pain, emotional distress, the loss of normal spousal consortium, and other injuries.

**FOURTH CAUSE OF ACTION  
(Respondeat Superior – Doe Broker)**

29. Plaintiffs incorporate the preceding allegations as if fully set forth herein.

30. Upon information and belief, Doe Broker maintained sufficient control over the load and/or the means and methods of delivery such that it is vicariously liable for Mr. Reichert's conduct.

31. As a direct and proximate result of Mr. Reichert's conduct, Plaintiffs suffered significant personal injuries, medical expenses, severe pain, emotional distress, the loss of normal spousal consortium, and other injuries.

**FIFTH CAUSE OF ACTION  
(Negligent Selection, Hiring, and Supervision – Doe Broker)**

32. Plaintiffs incorporate the preceding allegations as if fully set forth herein.

33. Upon information and belief, Doe Broker hired Speedy Butte, LLC to carry the load in Mr. Reichert's possession at the time of the accident.

34. Upon information and belief, Doe Broker was negligent in its hiring, selection, vetting, and supervision of Speedy Butte, LLC as Doe Broker hired Speedy Butte, LLC despite free and publicly available information demonstrating that it was an unfit, negligent, and unsafe motor carrier.

35. As a direct and proximate result of Doe Broker's conduct, Plaintiffs suffered significant personal injuries, medical expenses, severe pain, emotional distress, the loss of normal spousal consortium, and other injuries.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for relief as follows:

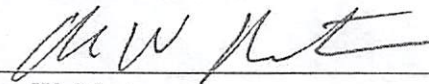
- (a) For special damages including, but not limited to, medical expenses, lost income, lost future income and income capacity, loss of household services, severe emotional distress, and other economic expenses and losses in amounts to be determined at trial;
- (b) For general damages in amounts to be determined at trial;
- (c) For loss of spousal consortium;
- (d) For punitive damages as applicable;
- (e) For costs, interest and attorney fees to the extent allowed by law; and
- (f) For such other relief as the Court deems appropriate.

**JURY DEMAND**

Plaintiffs demand a trial by jury of all issues so triable.

DATED this 30<sup>th</sup> day of August 2019.

DEWSNUP KING OLSEN WOREL  
HAVAS MORTENSEN



Alan W. Mortensen  
Christopher J. Cheney (*Pro Hac Vice Pending*)  
DEWSNUP KING OLSEN WOREL  
HAVAS MORTENSEN  
Wyoming Attorney No. 6-2748  
36 South State Street, Suite 2400  
Salt Lake City, UT 84111  
Telephone: (801) 533-0400

Fax: (801) 363-4218

Email: [amort@dkolaw.com](mailto:amort@dkolaw.com)

Email: [ccheney@dkowlaw.com](mailto:ccheney@dkowlaw.com)

*Attorney for Plaintiffs*

ORIGINAL  
RETURN TO COURTSUMMONS IN A CIVIL ACTION

STATE OF WYOMING )

) ss.

COUNTY OF Lincoln )

IN THE DISTRICT COURT

3rd JUDICIAL DISTRICTCivil Action No. CV-2019-135-DCTravis Collins; Kathryn Gonzales, )

Petitioner

v. )

Wesley Reichert, et al. )

Respondent )

SUMMONS

To the above named Respondent-----**(Print name)** Speedy Butte, LLC, c/o Amy DelwinHome Address: 952 E 120 N, Richfield, ID 83349Phone: 208-320-0049Employer Name & Address: Speedy Butte, LLC, 952 E 120 N, Richfield, ID 83349

YOU ARE HEREBY SUMMONED and required to file with the Clerk and serve upon the Petitioner's attorney if s/he has one, an answer to the Petition which is herewith served upon you, within 20 days after service of this Summons upon you, exclusive of the day of service. (If service is upon you is outside of the state of Wyoming, you are required to file and serve your answer to the Petition within 30 days after this Summons upon you, exclusive of the day of service). If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition.

Dated September 11, 2019.

(Seal of District Court)

Kenneth D. Roberts

Clerk of Court

By: Amy Clarke

Deputy Clerk

Alan W. Mortensen

Petitioner or Attorney for Petitioner

36 S. State St., Suite 2400, Salt Lake City, UT 84111

Address

(801) 533-0400 PhoneSTOP: SHERIFF WILL FILL THIS OUT (Attach to Previous Page—Summons)

RETURN

STATE OF WYOMING     )  
                                  )ss  
COUNTY OF \_\_\_\_\_ )

TO BE USED BY WYOMING SHERIFF  
UNDER SHERIFF OR DEPUTY

I, \_\_\_\_\_, Sheriff in and for said County of  
\_\_\_\_\_, in the State aforesaid, do hereby certify that I received the within  
Summons, together with a copy of the Petition filed in the above entitled matter, and that I  
served the same in the same, together with a copy of the Petition, to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Sheriff)

\_\_\_\_\_  
(Date of Service)

\_\_\_\_\_  
(Deputy Sheriff)

Sheriff's fees:     Service     \$ \_\_\_\_\_;     Return \$ \_\_\_\_\_

                  Mileage             \$ \_\_\_\_\_;     Total \$ \_\_\_\_\_

\_\_\_\_\_

AFFIDAVIT OF SERVICE



STATE OF WYOMING )

) ss:

COUNTY OF \_\_\_\_\_ )

TO BE USED BY WYOMING SHERIFF  
UNDER SHERIFF OR DEPUTY

\_\_\_\_\_, being the first duly sworn, on oath deposes and says that he/she is the identical person appointed by the Clerk of the Court as above shown to make service of Summons issued in the foregoing action; that he is over the age of majority and is not a party to the foregoing action or interested therein, and that he made service of said Summons in the County aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering copy of the same, together with a copy of the Petition, to

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public/Clerk of Court

ORIGINAL  
RETURN TO COURTSUMMONS IN A CIVIL ACTION

|   |  |
|---|--|
| STATE OF WYOMING )                          | IN THE DISTRICT COURT                  |
| ) ss.                                       | 3rd JUDICIAL DISTRICT                  |
| COUNTY OF <u>Lincoln</u> )                  | Civil Action No. <u>CY-2019-135-DC</u> |
| <u>Travis Collins; Kathryn Gonzales</u> , ) |  |
| Petitioner )                                |  |
| v. )  | SUMMONS                                |
| <u>Wesley Reichert, et al.</u> , )          |  |
| Respondent )                                |  |

To the above named Respondent-----**(Print name)** Wesley ReichertHome Address: 582 Marley Road, Richfield, ID 83349Phone: 208-733-1329Employer Name & Address: Speedy Butte, LLC, 952 E 120 N, Richfield, ID 83349

YOU ARE HEREBY SUMMONED and required to file with the Clerk and serve upon the Petitioner's attorney if s/he has one, an answer to the Petition which is herewith served upon you, within 20 days after service of this Summons upon you, exclusive of the day of service. (If service is upon you is outside of the state of Wyoming, you are required to file and serve your answer to the Petition within 30 days after this Summons upon you, exclusive of the day of service). If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition.

Dated September 11, 2019.

(Seal of District Court)

Kenneth D. Roberts

Clerk of Court

By: Jimmy Clarke

Deputy Clerk \_\_\_\_\_

Alan W. Mortensen  
 Petitioner or Attorney for Petitioner  
36 S. State St., Suite 2400, Salt Lake City, UT 84111  
 Address  
(801) 533-0400 Phone

STOP: SHERIFF WILL FILL THIS OUT (Attach to Previous Page—Summons)

RETURN

STATE OF WYOMING     )  
                                  )ss  
COUNTY OF \_\_\_\_\_ )

TO BE USED BY WYOMING SHERIFF  
UNDER SHERIFF OR DEPUTY

I, \_\_\_\_\_, Sheriff in and for said County of  
\_\_\_\_\_, in the State aforesaid, do hereby certify that I received the within  
Summons, together with a copy of the Petition filed in the above entitled matter, and that I  
served the same in the same, together with a copy of the Petition, to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Sheriff)

\_\_\_\_\_  
(Date of Service)

\_\_\_\_\_  
(Deputy Sheriff)

Sheriff's fees:     Service     \$ \_\_\_\_\_;     Return \$ \_\_\_\_\_

                  Mileage             \$ \_\_\_\_\_;     Total \$ \_\_\_\_\_

\_\_\_\_\_

AFFIDAVIT OF SERVICE

STATE OF WYOMING        )  
                                      ) ss:       TO BE USED BY WYOMING SHERIFF  
COUNTY OF \_\_\_\_\_ )       UNDER SHERIFF OR DEPUTY

\_\_\_\_\_, being the first duly sworn, on oath deposes and says that he/she is the identical person appointed by the Clerk of the Court as above shown to make service of Summons issued in the foregoing action; that he is over the age of majority and is not a party to the foregoing action or interested therein, and that he made service of said Summons in the County aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by delivering copy of the same, together with a copy of the Petition, to

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
Notary Public/Clerk of Court

**IN THE DISTRICT COURT OF THE STATE OF WYOMING  
IN AND FOR THE THIRD JUDICIAL DISTRICT, UINTEA COUNTY**

---

TRAVIS COLLINS; KATHRYN  
GONZALES, individuals,

Plaintiffs,

v.

WESLEY REICHERT; SPEEDY BUTTE,  
LLC, an Idaho Limited Liability Company;  
DOE BROKER,

Defendants.

---

Civil No.: 19-80

---

**ACCEPTANCE OF SERVICE OF PROCESS  
(Complaint & Summons)**

---

The undersigned, counsel for Defendants Wesley Reichert and Speedy Butte, LLC, hereby acknowledges receipt and accepts service of the Complaint and Summons in the above-captioned matter on behalf of Defendant Harpreet. This acknowledgment and acceptance is intended to replace personal service of the Complaint and Summons upon the Defendants.

DATED this \_\_\_\_ day of September 2019.

NELSON LAW FIRM, PC

---

Thomas C. Bancroft  
Attorney for Defendants Wesley Reichert  
and Speedy Butte, LLC



**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of September 2019, I caused to be served via U.S. Mail, a true and correct copy of the foregoing **ACCEPTANCE OF SERVICE PROCESS (Complaint & Summons)** to the following:

Thomas C. Bancroft  
Nelson Law Firm, PC  
2619 St. Johns Ave., Suite E  
Billings, MT 59102

/s/ Natalie Cottam